

LAW OFFICE OF STEPHANIE M. CARVLIN

ATTORNEY AT LAW

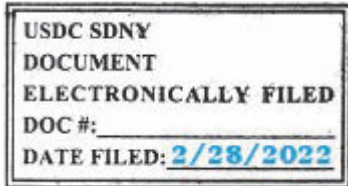
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February 25, 2022

MDC is hereby ORDERED to comply with the subpoenas this Court signed on November 15 and 18, 2021, as soon as possible, but on or before March 7, 2022.
SO ORDERED.

Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: United States v. Roger Thomas Clark
15-cr-866 (AJN)

Dear Judge Nathan:

SO ORDERED.

I write to request that the Court issue an order directing the Metropolitan Detention Center ("MDC") to comply with subpoenas this Court signed on November 15 and 18, 2021, respectively. Attached hereto as Exhibits A and B.

Alison J. Nathan

2/28/2022

On approximately November 17, 2021, my paralegal, Nato Chelidze, spoke in person with Michael Cardew, a paralegal at the MDC, about how to serve subpoenas on the MDC. He advised her that the MDC would accept service of the subpoenas by email. On November 19, 2021, I emailed the subpoenas to Mr. Cardew at his MDC email. I received no response. On December 9, 2022, Ms. Chelidze sent a follow-up email to Mr. Cardew. He advised her to send the request to a different email address, which he provided. I sent the subpoenas to that newly provided address on December 10, 2021. Nevertheless, the material was not produced by the MDC.

On January 4, 2022, Ms. Chelidze sent a follow-up email to the MDC to the email address Mr. Cardew had provided for subpoena requests. The material was not produced.

On February 10, 2022, I sent another email to the MDC email address Mr. Cardew had provided for subpoena requests. I sent a copy of that email to Mr. Cardew's email address and to MDC Attorney Sofia Papapetru's MDC email address. I asked whether the MDC intended to comply with the subpoenas. I received a response from Ms. Papapetru on February 11, 2022, stating that she did not have access to the email

address to which I had sent the subpoenas, and she would “look into this for processing.” I sent a responding email the same day to Ms. Papapetru, asking when the MDC would provide the material. I have received no response. I have not received the subpoenaed material.

Yesterday, I heard from the Civil Division of the U.S. Attorney’s Office on behalf of the MDC and was informed that the MDC will respond promptly.

I initially sought the subpoenaed material, without objection by the government, to obtain information that I believed would be important for the sentencing of Roger Clark. Mr. Clark is scheduled to be sentenced by the Court on April 1, 2022. My sentencing submission is due on March 23, 2022. As a result, it has become imperative that I receive this material now. I have attempted to obtain the material from the MDC without success. I believe Court intervention is necessary and appropriate at this time.

Respectfully submitted,

_____/s/_____
Stephanie Carvlin
Counsel for Roger Clark

cc: AUSA Michael Neff
AUSA Vladislav Vainberg (via ECF)

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

UNITED STATES DISTRICT COURT

for the
Southern District of New York

United States of America)

v.)

Roger Thomas Clark)

Case No. 15-cr-866 (AJN)

Defendant)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS IN A CRIMINAL CASE

To: Metropolitan Detention Center, Brooklyn, New York

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

Records that document all employees who worked on Unit 71 of the MDC on October 18 and 19, 2021.

Place: Courtroom 906, 40 Foley Square, New York, NY

Date and Time: Forthwith

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date:

11/15/2021

RUBY J. KRAJICK

CLERK OF COURT

So Ordered:

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (name of party) Reg. # 85815-054

Roger Clark

who requests this subpoena, are: Stephanie Carvlin; 140 Broadway, Suite 4610, New York, NY 10005; 917-549-0873; fax: 212-608-9499,

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.



[Handwritten signature]

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

UNITED STATES DISTRICT COURT

for the
Southern District of New York

United States of America

v.

Roger Thomas Clark

Defendant

Case No. 15-cr-866 (AJN)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS IN A CRIMINAL CASE

To: Metropolitan Detention Center, Brooklyn, New York

*(Name of person to whom this subpoena is directed)***YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

Any videotape that records any and all areas of Unit 71 of the MDC on October 18 and 19, 2021.

Place: Courtroom 808, 40 Foley Square, New York, NY	Date and Time: Forthwith
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Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date: 11/18/2021

RUBY J. KRAJICK

CLERK OF COURT

So ORDERED

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing *(name of party)*

Roger Clark

Reg. # 85815-054

, who requests this subpoena, are:
Stephanie Carvin; 140 Broadway, Suite 4610, New York, NY 10005; 917-548-0873; fax: 212-608-9499.

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Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.



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